

REMARKS

The following remarks and the above amendments are submitted to address all issues in this case, and to put this case in condition for allowance. The claims are amended solely to better define the subject matter of the present invention. After the above amendment, application claims 1-9, 11, and 15-19 are pending in the application. Application claims 1 is the only independent claim.

Applicant has studied the Office Action mailed September 21, 2007 and has the following remarks. The Examiner is thanked for the courtesy of the informal interview of September 21, 2007 with regards to this case.

35 U.S.C. §112

The Examiner rejected claims 1-9, 11 and 14-19 under 35 U.S.C. §112 second paragraph as being indefinite as the Examiner asserted there was conflict between the disclosure of claim 1 which recited independent microspheres and claim 14 which provided configurations in which the microspheres could interconnect. Without admission as to the correctness of the rejection, claim 14 has been cancelled and claim 5 has been amended to remove any ambiguity that the microspheres remain separate. It is believed that the claims, as amended, are clear.

35 U.S.C. §102 and §103

The Examiner rejected the prior claims as anticipated, or as rendered obvious, by Bille et al., possibly in conjunction with Schachar. Applicant notes that no reasoning was provided in the written action but the Examiner clarified in the discussion of September 21st that his contention was that Billie showed configurations where spheres did not remain separate, which

the Examiner took to be within the scope of claim 1 based on the inclusion of dependent claim 14.

Without admission as to the correctness of the rejection, Applicant has cancelled claim 14 and amended claim 5 to clarify that claim 1 indicates that the microspheres remain separate.

With such clarification, it is believed that the Examiner's rejection is effectively traversed and the claims, as amended, are allowable.

Conclusion

In light of the above remarks, Applicant believes there are no further issues regarding the patentability of the pending claims and respectfully requests the Examiner withdraw his rejections and allow all pending claims so that this case can pass on to issue.

Applicant believes no additional fees are due in conjunction with this filing. However, the Commissioner is authorized to credit any overpayment or charge any deficiencies necessary for entering this amendment, including any claims fees and/or extension fees to/from our

Deposit Account No. 50-0975.

If any questions remain, Applicant respectfully requests a telephone call to the below-signed attorney at (314) 444-7783.

Respectfully submitted,
Lewis, Rice & Fingersh, L.C.

Kirk A. Damman
Registration No. 42,461
Attorney for Applicant

Dated: October 22, 2007

Customer Number: 22822
Lewis, Rice and Fingersh, L.C.
Attn: Box IP Dept.
500 N. Broadway, Suite 2000

St. Louis, MO 63102-2147
Tel: (314) 444-7783 Fax: (314) 612-7783